

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SCOTT AND RHONDA BURNETT, RYAN
HENDRICKSON, JEROD BREIT, SCOTT
TRUPIANO, JEREJMY KEEL, HOLLEE
ELLIS, and FRANCES HARVEY, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, REALOGY HOLDINGS CORP.,
HOMESERVICES OF AMERICA, INC., BHH
AFFILIATES, LLC, HSF AFFILIATES, LLC,
RE/MAX LLC, and KELLER WILLIAMS
REALTY, INC.,

Defendants.

Case No.: 4:19-cv-00332-SRB

Judge Stephen R. Bough

**THE HOMESERVICES DEFENDANTS’
MOTION FOR JUDGMENT AS A MATTER OF LAW**

Plaintiffs have submitted no evidence of any kind – neither direct nor circumstantial – that any HomeServices Defendant¹ entered into any kind of agreement with anyone relating to the conduct being challenged in this case. Because Plaintiffs have not presented any evidence showing an agreement between any HomeServices Defendant and any other party relating to the Cooperative Compensation Rule, the HomeServices Defendants are entitled to judgement as a matter of law on Plaintiffs’ claim under Section 1 of the Sherman Act under Fed. R. Civ. P.

¹ HomeServices of America, Inc.; BHH Affiliates, LLC; HSF Affiliates, LLC.

50(a). In support of their Motion for Judgement as a Matter of Law, the HomeServices Defendants respectfully submit the enclosed Suggestions in Support.

The HomeServices Defendants are also entitled to judgment as a matter of law for the reasons set forth in the separate written motion filed by NAR, which the HomeServices Defendants hereby join; any separate written motion filed by Keller Williams, which the HomeServices Defendants hereby join; and any oral motion made by any Defendant, which the HomeServices Defendants hereby join.

The Court should enter judgement as a matter of law in favor of each HomeServices Defendant and against Plaintiffs on each and every remaining count and claim.

Dated: October 23, 2023

/s/Robert D. MacGill

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Affiliates, LLC, and HSF Affiliates,
LLC***

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2023, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

/s/ Robert D. MacGill
Robert D. MacGill